

**AN ORDINANCE BY COUNCILMEMBER C.T. MARTIN  
AS SUBSTITUTED BY FINANCE/ EXECUTIVE COMMITTEE**

**AN ORDINANCE TO TRANSFER THE AMOUNT OF \$120,000, FOR THE PURPOSE OF PROVIDING FUNDS FOR THE ACQUISITION OF REAL PROPERTY AT THE ADAMSVILLE RECREATION CENTER AND NATATORIUM, BETWEEN ACCOUNTS WITHIN THE 2002 (2001 QUALITY OF LIFE BOND FUND) BUDGET; IDENTIFYING SPECIFIC PROPERTIES TO BE TARGETED FOR PURCHASE FOR THE ADAMSVILLE RECREATION CENTER AND NATATORIUM SITE; AUTHORIZING THE PURCHASING AGENT TO ENTER INTO AN AGREEMENT WITH SMITH REAL ESTATE SERVICES, INC. TO NEGOTIATE AND ACQUIRE THE TARGETED PROPERTIES AND TO PAY THE NECESSARY COSTS; AUTHORIZING THE USE OF CONDEMNATION PROCEEDINGS FOR THE TARGETED SITES IF NECESSARY; AUTHORIZING THE PAYMENT OF ASSOCIATED COSTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance 01-O-2020 adopted by the Council on December 3, 2001 and approved by the Mayor on December 11, 2001, authorized the Director of the Bureau of Purchasing and Real Estate to negotiate the possible future purchase of three additional properties adjacent to the site of the Adamsville Recreation Center/Natatorium; and

**WHEREAS**, funds in the amount of \$634,200 were authorized from the 2001 Quality of Life Bond Fund, Park Impact Fees, and were appropriated to cover the cost of such land for the Natatorium; and

**WHEREAS**, real estate appraisals of two of the adjacent land parcels, authorized for acquisition by ordinance 01-O-2020 reflected the need for an additional \$120,000 over the existing appropriation of \$634,200 in order to secure purchase of these parcels; and

**WHEREAS**, State of Georgia Greenspace Program Grant Award funds in the amount of \$120,000 were appropriated by Ordinance 01-O-1697 to provide the estimated additional funding requirements; and

**WHEREAS**, the use of State of Georgia Greenspace Program Grant Award funds is restricted to the preservation of existing greenspaces, and not for expenditure on land parcels holding existing structures for the purpose of creating greenspace; and

**WHEREAS**, State of Georgia Greenspace Program Grant Award funds appropriated by Ordinance 01-O-1697 can be applied toward purchase of greenspace for the Utoy Creek Area Trail and Greenway Corridor; and



**WHEREAS**, funds in the amount of \$120,000 would then be available for transfer from the fund, account, center combination designated in the 2001 Quality of Life Bond Fund for the Lionel Hampton Trail project, for transfer to the fund account, center combination designated for the Adamsville Recreation Center/Natatorium project, within the same bond fund; and

**WHEREAS**, the authorized transaction will provide enough funding to acquire two of the three parcels required in said project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**Section 1:** That the 2002 (2001 Quality of Life Bond Fund) Budget is hereby amended as follows:

**TRANSFER FROM APPROPRIATIONS**

1C45 774001	Lionel Hampton Park Enhancements	
Y63F060592BG		\$120,000

**TRANSFER TO APPROPRIATIONS**

1C45 774001		
Y63F061992BG	Adamsville Park Expansion	\$120,000

**Section 2:** That the 2002 Intergovernmental Grant Fund Budget Department of Planning, Development and Neighborhood Conservation is hereby amended as follows:


**TRANSFER FROM APPROPRIATIONS**

1B02 771001		
Y63D1004KTA0	Adamsville Park Expansion	\$120,000

**TRANSFER TO APPROPRIATIONS**

1B02 771001	Utoy Creek Area Trail and Greenway	\$120,000
Y63D1007KTA0	Corridor	

**Section 3:** That Section Three of ordinance 01-O-2020 is hereby amended by striking the references therein to the fund account and center numbers to be used for the payment of services and adding fund, account, and center number 1C45 774001 Y63F061992BG as the fund account an center number to be used for the for payment of services and specifying that all charges, including but not limited to surveys, environmental assessments, appraisals, consultant fees, title reports, and other closing costs may be paid from this fund account and center.



**Section 4:** That the Purchasing Agent in cooperation with Smith Real Estate Services, Inc. (Consultant), is hereby authorized to negotiate with affected property owners and to acquire the necessary real property interest located at 3205 Martin Luther King Jr. Drive, S.W. (14-237-05-013); 3211 Martin Luther King Jr. Drive S.W. (14-237-05-033), and 3221 Martin Luther King Jr. Drive S.W. (14-237-05-034) in the Adamsville Recreation Center/Natatorium Project.

**Section 5:** That the Purchasing Agent is hereby authorized to obtain surveys, title reports, and appraisals and to establish estimates of just compensation based thereon to be offered property owners in connection with the project.

**Section 6:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**Section 7:** That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Purchasing Agent is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed 20% above the estimated just compensation of affected properties.

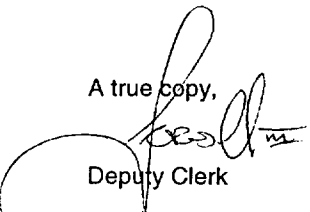
**Section 8:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and, the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

**Section 9:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**Section 10:** That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultants, with affected property owners in the Adamsville Recreation Center/Natatorium Project.

**Section 11:** That all ordinances and parts of ordinances in conflict herewith are hereby rescinded.

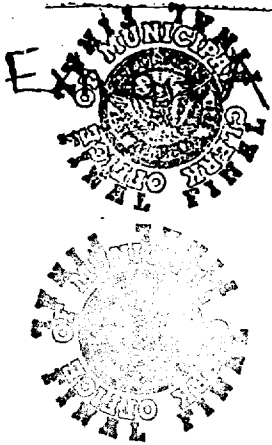
A true copy,



Deputy Clerk

ADOPTED by the Council  
APPROVED by the Mayor

JULY 15, 2002  
JULY 22, 2002



ROAD

910.9

HARWELL

125.63

293

205.44

20

20

173.13

MARTIN LUTHER KING, JR.

DEED BOOK 21309, PAGE 35

DEED BOOK 12934, PAGE 0161

146.5

126.8

143

142.9

14-0237-0005-0000-2

0.42 ACRES (11)

CITY OF ATLANTA

139.7

14-0237-0005-0000-0

10

0.41 ACRES (10)

SPICER, JACK

136

14-0237-0005-0000-7

35

SPICER, JACK

0.32 ACRES

127.9

34

186.91

40

117

JR.

1.1A

3211

APARTMENT RENOVATORS, INC.

14-0237-0005-031-6

R-3201

7.74A. (ACRES)

0.57 ACRES

229.3

216.55

14-0237-0005-032-4

ANNIE J. CROWE

PART OF 3211 M.L.

KING, JR. OLIVE

1940

14-237-05-033

33

FIRST UNION NATIONAL BANK OF GEORGIA

80

100

14-237-05-013

13

BRANTLEY, BOOKER T.

0.57 A

3205

230.79

242.0

111.0

DRIVE

135.9

1229.3

PART

31-6

9-2

OWNER

31-6:

APART

4/0 SA

1026

ATLAN

SEE L.L.

35-7 &

SPICER

P.O. B.

ATLAN

32-4:

CROWF,

5060 G

COLLEGE

9-2:

CITY OF

4/0 SPICER

ACREAGE:

31-6

32-4

35-7

9-2

RCS# 3893  
7/15/02  
5:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11; EXCEPT 02-R-1278

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

1 <sup>st</sup> Consent I Vote:	15 Yeas; 0 Nays	(See RCS #3874)
Reconsidered	11 Yeas; 0 Nays	(See RCS #3892)

CONSENT I

		07/15/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1255	34. 02-R-1229	52. 02-R-1197
2. 02-O-1256	35. 02-R-1230	53. 02-R-1198
3. 02-O-1262	36. 02-R-1231	55. 02-R-1199
4. 02-O-0969	37. 02-R-1252	56. 02-R-1200
5. 02-O-1149	38. 02-R-1183	57. 02-R-1201
6. 02-O-1100	39. 02-R-1184	58. 02-R-1202
7. 02-O-1175	40. 02-R-1185	59. 02-R-1203
8. 02-O-1105	41. 02-R-1186	60. 02-R-1204
9. 02-O-1109	42. 02-R-1187	61. 02-R-1205
10. 02-O-1110	43. 02-R-1188	62. 02-R-1206
11. 02-O-1111	44. 02-R-1189	63. 02-R-1207
12. 02-O-1112	45. 02-R-1190	64. 02-R-1208
13. 02-O-1113	46. 02-R-1191	65. 02-R-1209
14. 02-O-1114	47. 02-R-1192	66. 02-R-1210
15. 02-O-1115	48. 02-R-1193	
16. 02-O-1116	49. 02-R-1194	
17. 02-O-1117	50. 02-R-1195	
18. 02-O-1144	51. 02-R-1196	
19. 02-R-0363		
20. 02-R-1225		
21. 02-R-1249		
22. 02-R-1250		
23. 02-R-1251		
24. 02-R-1263		
25. 02-R-1276		
26. 02-R-1277		
27. 02-R-1214		
28. 02-R-1215		
29. 02-R-1274		
30. 02-R-1211		
31. 02-R-1212		
32. 02-R-1227		
33. 02-R-1228		

02-0-1256

(Do Not Write Above This Line)

An Ordinance

BY COUNCILMEMBER C. T. MARTIN

An Ordinance authorizing the Chief Financial Officer to transfer between Accounts within the 2002 (2001 Public Improvement Bond Funds) Budget \$120,000.00 for the acquisition of two parcels of land for the Adamsville Recreation Center/natorium; amending Ordinance #01-O-1697 by Transferring between accounts \$120,000.00 in funds designated for Greenspace Acquisition at the Adamsville Park site to the Account and Cost Center designated for the Utoy Creek Area Trail and Greenway Corridor and authorizing the Purchasing Agent to enter into an Agreement with Smith Real Estate Services, Inc. to negotiate and Acquire the necessary properties within the project; and for other purposes.

ADOPTED BY

JUL 15 2002

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ COUNCIL  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred 7/16/02

Referred To: Finance/Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee <i>FIN/Exec</i>	Committee
Date <i>7-10-02</i>	Date
Chair <i>John H. Moore</i>	Chair
Action: <i>(Fav) Adv, Hold (see rev. side)</i>	Action: Fav, Adv, Hold (see rev. side)
Other: <i>as Submitted</i>	Other:
Members: <i>Co. T. Martin</i>	Members
Refer To <i>Refer to Muller</i>	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUL 15 2002

ATLANTA CITY COUNCIL PRESIDENT

*Carlton W. Holland*

CERTIFIED  
JUL 15 2002

*Franklin D. Harrison*  
MUNICIPAL CLERK

APPROVED

JUL 22 2002

*Amalya V. Smith*